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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|-------------------------|
| 09/686,470 | 10/11/2000 | Conor McGann | 0544MH-40022 | 3411 |
| 7590 | 04/05/2004 | | EXAMINER | DONAGHUE, LARRY.D. |
| CHRISTOPHER W. KENNERLY, ESQ. BAKER BOTTS L.L.P. 2001 ROSS AVENUE, SUITE 600 DALLS, TX 75201-2980 | | | ART UNIT | PAPER NUMBER |
| | | | 2154 | 8 |
| | | | | DATE MAILED: 04/05/2004 |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------|---------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) | <i>[Signature]</i> |
| | 09/686,470 | MCGANN ET AL. | |
| | Examiner | Art Unit | |
| | Larry D Donaghue | 2154 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 October 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4 and 7.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

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1. Claims 1-10 are presented for examination.
2. Claim 9 is objected to because of the following informalities: "if" in line 3, should be "of". Appropriate correction is required.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-6, 8 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Courts et al. (6,076,108).
5. Court et al. was cited by the applicant on paper no. 7.
6. Courts et al. taught the invention (claim 1) as claimed including system for providing web services, comprising: a plurality of web servers capable of hosting web browsing sessions (col. 7, lines 44-57), each session having session data associated therewith (col. 7, lines 44-57); a local director connected to a communications link and to the web servers (col. 5, lines 60 – col. 6, line 8), wherein the local director routes requests, each associated with a session, from remote browsers to a web server hosting the associated session (col. 5, lines 60 – col. 6, line 8); a remote session server connected to the web servers, wherein the remote session server contains a copy of all session data for all sessions on all web servers (col. 8, lines 20-31).
7. As to claim 2, Court et al. taught each web server has a local cache of session data for all sessions hosted on that web server (206, 218).
8. As to claim 3, Court et al. taught the remote session server comprises at least two separate remote servers, and wherein each separate server contains a copy of the session data for a subset of the web browsing sessions (col. 8, lines 8-20 and 45-50).
9. As to claim 4, Court et al. taught each separate remote server contains session data for a subset of web browsing sessions that does not overlap the subset of any other separate remote server (col. 9, lines 1-4). The passage set forth that the session data can be stored in one or more global session server, if the session data is only stored in one of the distributed servers, the subset of web browsing sessions would inherently not overlap.
10. As to claim 5, Court et al. taught at least one of the separate remote servers contains session data for a subset of web browsing sessions that overlaps the subset of at least one other separate remote server (col. 8, lines 8-20 and 45-50).

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11. As to claim 6, Court et al. taught connecting a plurality of web sessions to a plurality of web servers, each web server hosting a plurality of web sessions (col. 7, lines 44-57); on each web server, caching all session data for each session hosted on that web server session (col. 5, lines 60 – col. 6, line 8); copying all cached session data on every web server to a remote session server (col. 8, lines 20-31).

12. As to claim 8, Court et al. taught the remote session server comprises at least two separate remote servers, and wherein the copying step comprises the step of copying the session data for every web session to one of the separate remote servers, wherein each separate remote server maintains a copy of a selected subset of the web sessions (col. 8, lines 8-20 and 45-50).

13. As to claim 10, Court et al. taught the selected subsets for the separate remote servers overlap, wherein each web session is copied to two different separate remote servers (col. 8, lines 8-20 and 45-50).

14. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Court et al. (6,076,108) as applied to claims 6 and 9 above, and further in view of Abramson et al. (6,539,494).

As to claim 7, Court et al. did not expressly teach transferring the sessions that such web server was hosting to others of the web servers; and for each transferred session, copying session data for that session from the remote session server to a web server to which the session was transferred. Court et al. did express a need for fault tolerance in the system as disclosed. Further the system as disclosed contains a redundant storage of the session data, the active instant of the session data is maintained in the session manager and the backup instant of the session data in the global session server. Abramson et al. taught using the backup instant to transfer the session data to another web server in the event of a failure on which the session has originally running (abstract). It would have been obvious to modify the teaching of Court et al. with that of Abramson et al. to allow for recovery in a fault tolerant system as suggested by Court et al.

As to claim 9, It would have been obvious to restore the backup instant of the session data to allow for recovery of the active instant in the web server.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| | |
|-----------|----------------|
| 6,496,824 | Wilf |
| 6,557,038 | Becker et al. |
| 6,256,641 | Kasi et al. |
| 6,490,624 | Sampson et al. |
| 6,622,167 | Keesey et al. |
| 5,961,601 | Iyengar |

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6,334,114 Jacob et al.

6,085,220 Courts et al

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Donaghue whose telephone number is 703-305-9675. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LARRY D. DONAGHUE
PRIMARY EXAMINER

